IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9642 of 2004

Between:

M/s. Durga Wines, Kareemabad, Warangal, rep by License Shiva Prasad, S/o D.V.V.Sambashiva Rao, aged about 50 years, Business R/o Karamabad, Warangal

....PETITIONER

AND

1 The Commissioner of Prohibition & Excise A.P. Nampally, Hyderabad.
2 The Prohibition & Excise Superintendent, Warangal District, Warangal.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring the impugned order passed in C.R. No. 3264/2004/CPE/G1-2 dt 27-4-2004 to the extent of levy of compound fee for Rs.1,00,000/-instead of the maximum levy of compound fee of Rs.10,000/- fixed under section 47 is illegal, void abinitio and further declare that the 1st respondent has no jurisdiction to levy of compound fee of Rs. 1,00,000/- for compound the violation alleged against the petitioner in the interest of justice and equity.

For the Petitioner:MR.A.RAVINDER,ADVOCATE.

For the Respondents : GP FOR PROHIBITION & EXCISE

The Court Made the Following :

ORDER:

This writ petition is filed by the petitioner aggrieved by the orders of the first respondent imposing a sum of Rs.1,00,000/- as compounding fee with reference to the alleged violations of conditions of license.

2. According to the petitioner, the maximum compounding fee imposable in terms of section 47 of the A.P.Excise Act is only a sum of Rs.10,000/- and not Rs.1,00,000/-. Therefore, the amount of Rs.1,00,000/- imposed by the respondents is illegal and without any jurisdiction.

3. At the time of hearing it is represented that as per the interim order of this Court, the petitioner has already paid Rs.10, 000/- which was the maximum fine amount prescribed under Section 47 of the A.P.Exise Act as compounding fee.

4. In the light of the above said specific provision where the maximum compounding fee was fixed at Rs.10,000/-, the impugned order of the first

respondent is modified, fixing the compounding fee at Rs.10,000/- (Rupees Ten Thousand only) instead of Rs.1,00,000/- as fixed by the first respondent. To that extent the order of the first respondent is modified.

5. The writ petition is, accordingly, allowed to the extent indicated above. No costs.

Dt. 28.06.2004
Dvs/kvh

To
1 The Commissioner of Prohibition & Excise A.P. Nampally, Hyderabad.
2 The Prohibition & Excise Superintendent, Warangal District, Warangal.
3, Two CCs.to GP for Prohibition & Excise, High Court of A.P. Buildings, Hyderabad.
4. Two CDs.